

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

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|------------------------------|---|-----------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | NO. 4:05-CR-040-Y(01) |
| | § | |
| DOUGLAS SOVEREIGN SMITH, JR. | § | |

GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE

The United States presents this unopposed Government's Motion for Downward Departure, pursuant to U.S.S.G. § 5K1.1, requesting that the Court depart from the advisory guideline range based on the substantial assistance provided to the government by the defendant, Douglas Sovereign Smith, Jr.

I.

This request is based on the defendant's substantial assistance in the investigation and subsequent prosecution of a child pornography trafficking suspect, Richard Reichert, of Pittsburgh, Pennsylvania. A federal Criminal Complaint was filed against Mr. Reichert on March 30, 2005, in the Western District of Pennsylvania, and is still pending, as Mr. Reichert has waived his right to be indicted by a grand jury within 30 days.

II.

The defendant, Douglas Sovereign Smith, Jr., pled guilty to a one count Information filed on March 21, 2005, charging him with Receipt and Distribution of Child Pornography, in violation of 18 U.S.C. §§ 2252(a)(2)(A) & (b)(1), and 3583(k).

The defendant was released on conditions set by the United States Magistrate Judge pending sentencing on September 26, 2005.

III.

The investigation of the defendant, Douglas Sovereign Smith, Jr., was conducted by Special Agent Jim Pokorney, Immigration and Customs Enforcement. On February 28, 2005, S.A. Pokorney debriefed the defendant regarding his own criminal activities, and his knowledge of criminal activities committed by others. The defendant provided detailed information about methods in which he would send and receive child pornography over the internet to and from members of his AOL subscriber “buddy list.”

The defendant identified one of the members of his “buddy list” as Richard Reichert, a man residing in Pittsburgh, Pennsylvania, who had recently sent him a CD, through the mail, containing child pornography. The defendant allowed federal agents to assume his identity on the internet in order to communicate with Mr. Reichert. As a result of several days of internet communications, Mr. Reichert agreed to take delivery of three graphically described VHS tapes containing child pornography.

On March 29, 2005, a controlled delivery of the three VHS tapes containing child pornography was accomplished at Mr. Reichert’s home in Pittsburgh. Later that day, Federal Agents executed a search warrant at Mr. Reichert’s home, and found the three VHS tapes which had been opened and hidden from view on a shelf. Federal Agents seized Mr. Reichert’s home computer and are awaiting the completion of a forensic analysis.

The United States intends to prosecute Mr. Reichert for receipt of child pornography through the mail, among other possible charges. The prosecution of Mr. Reichert would not have been possible, but for the information learned from the defendant, and his cooperation with Federal Agents, thereafter, amounting to substantial assistance.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

On August 8, 2005, I spoke with counsel for the defendant, Jack Strickland, and he agrees to the granting of this motion .

s/ Bret Helmer
BRET HELMER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2005, I electronically filed the foregoing document with the clerk for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means: Jack Strickland.

s/ Bret Helmer
BRET HELMER
Assistant United States Attorney